

Clauses 2 and 3 were added to the Bill. Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI PATTABHI RAMA RAO: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is: "That the Bill be passed."
The motion was adopted.

16.45 hrs.

INTERNATIONAL MONETARY FUND AND BANK (AMENDMENT) BILL

MR. CHAIRMAN: Now, we shall go to next item, International Monetary Fund and Bank (Amendment) Bill. A Bill further to amend the IMF and Bank Act, 1945.

SHRI SATISH AGARWAL (Jaipur): I rise on a point of order. So far as item No. 10 is concerned, with regard to the consideration and passing of this International Monetary Fund and Bank (Amendment) Bill, I had written a letter as back as... (Interruptions)

SHRI K. P. UNNIKRISHNAN (Badagara): Where is the Finance Minister?

SHRI SATISH AGARWAL: He is not concerned with this Bill.

SHRI K. P. UNNIKRISHNAN: You can go. You are not concerned with this Bill. (Interruptions).

SOME HON. MEMBERS: Who is piloting the Bill?

SHRI K. P. UNNIKRISHNAN: You cannot pilot this Bill.

MR. CHAIRMAN: Please, have patience.

SHRI SATISH AGARWAL: We are taking exception to the Finance Minister's absence.

SHRI K. P. UNNIKRISHNAN: An international treaty is involved in this Bill.

MR. CHAIRMAN: Order please.

SHRI SATISH AGARWAL: It is the Finance Minister who is concerned with this Bill. It is the Finance Minister who is piloting this Bill. (Interruptions).

MR. CHAIRMAN: There is an announcement.
(Interruptions).

SHRI SATISH AGARWAL: Sir, I am on a point of order.

MR. CHAIRMAN: It is about the health of the President.

SHRI SATISH AGARWAL: That has not been circulated to the Members.

AN HON. MEMBER: This should not be a controversial thing.

16.47 hrs.

STATEMENT RE: PRESIDENT'S MEDICAL CHECK-UP AT HOUSTON (U.S.A.)

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI B. SHANKARANAND): Mr. Chairman, Sir, I informed the House yesterday regarding the President's medical check-up in U.S.A. According to the latest information available, the Specialists at the Texas Heart Institute U.S.A. have advised on the basis of investigation, that the President should undergo surgery which is scheduled for tomorrow. I am sure the House will join me in wishing him speedy and complete recovery

16-48 hrs.

INTERNATIONAL MONETARY FUND AND BANK (AMENDMENT) BILL— Contd.

MR. CHAIRMAN: Now, what is your point of order?

SHRI SATISH AGARWAL (Jaipur): Mr. Chairman, Sir... (Interruptions).

AN HON. MEMBER: Who is piloting the Bill?

SHRI SATISH AGARWAL: This is the International Monetary Fund and Bank

[Shri Satish Agarwal]

(Amendment) Bill, 1982 (Bill No. 85 of 1982). Mr. Pranab Kumar Mukherjee is to pilot the Bill. Mr. Mukherjee is not present here.

MR. CHAIRMAN: On his behalf, he can pilot.

SHRI K. P. UNNIKRIISHNA: No, no. There is no question of 'on his behalf' because we are raising certain fundamental questions. He cannot be and he is not in-charge of this Bill.

SHRI SATISH AGARWAL: It was circulated that Shri Pranab Kumar Mukherjee would move the Bill for consideration.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI PATTABHI RAMA RAO): Please, hear me. He is coming here just now. He is busy in the other House. (*Interruptions*).

MR. CHAIRMAN: He is the Minister of State for Finance.

SHRI SOMNATH CHATTERJEE (Jadanpur): He does not know what the Bill is about. (*Interruptions*). There are certain Constitutional issues. There are certain fundamental questions involved in this Bill. He cannot reply.

SHRI PATTABHI RAMA RAO: He is coming.

MR. CHAIRMAN: Mr. Poojary has come.

श्री राजेश कुमार सिंह (फिरोजाबाद): मान्यवर, आपने जैसे ही माननीय मंत्री को सम्बोधित किया, तो इस बिल के लिए कोई मंत्री उपस्थित नहीं था। इससे साफ जाहिर है सरकार अपने कर्तव्य के प्रति जागरूक नहीं है, जब कि माननीय मंत्री जी को उपस्थित रहना चाहिए। माननीय मंत्री, जिनको आपने सम्बोधित किया है, वह कह रहे थे कि मेरा बिल नहीं है।

MR. CHAIRMAN: Mr. Janardhana Poojary is there... (*Interruptions*).

SHRI SATYASADHAN CHAKRABORTY: I am on a point of order, Sir.

SHRI SOMNATH CHATTERJEE: Has notice been given by the Finance Minister, Mr. Pranab Mukherjee that he will not pilot the Bill and that somebody else will do it? Where is that notice? This has to be given. There should be a proper procedure followed. Under the rules, it cannot be done.

SHRI SONTOSH MOHAN DEV (Silchar): Under what rules? Any Minister can do it. (*Interruptions*).

SHRI SATYASADHAN CHAKRABORTY: In today's List of Business, item No. 710 says Shri Pranab Mukherjee to move that the Bill further to amend the International Monetary Fund and Bank Act, 1945, be taken into consideration. That is in the name of Shri Pranab Mukherjee.

MR. CHAIRMAN: Mr. Janardhana Poojary has come.

SHRI SATISH AGARWAL: It is not his subject. That is the Finance Minister's subject. This is being brought for the first time before the House. (*Interruptions*).

16.51 hrs.

[MR. DEPUTY SPEAKER in the Chair].

MR. DEPUTY SPEAKER: Let the Government explain.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND WORKS AND HOUSING (SHRI BHISHMA NARAIN SINGH): I have to make one request. Due to unavoidable circumstances, the Finance Minister is held up in another meeting. But the Deputy Minister is here... (*Interruptions*) I have seen that the Opposition has cooperated and I seek their cooperation.

MR. DEPUTY SPEAKER: It is a request from the Government. I think, you must also cooperate with the Government.

SHRI K. R. UNNIKRISHNAN: Please listen to us. There are fundamental issues involved here. The constitutional points have been raised regarding its validity.... (Interruptions).

MR. DEPUTY-SPEAKER: You can always oppose it.

SHRI SATISH AGARWAL: I do not know how Mr. Janardhana Poojary will be able to reply to the points which I had raised in a letter written to the Finance Minister. I have addressed a letter to the Finance Minister as far back as on 21st July, 1982 in which I had raised certain very fundamental and basic questions.

MR. DEPUTY-SPEAKER: Mr. Pranab Mukherjee has come. The problem is solved.

SHRI SATYASADHAN CHAKRABORTY: Sir, the Finance Minister should express his regret for wasting the valuable time of the House because of his absence. He should at least express his regret.

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): I did not expect that the business will collapse.

SHRI SOMNATH CHATTERJEE: That is no regret.

SHRI PRANAB MUKHERJEE: I regret.

MR. DEPUTY-SPEAKER: Shri Pranab Mukherjee to move the Bill.

SHRI SATISH AGARWAL: Sir, this particular amending Bill was introduced in the Lok Sabha on 20th July, 1982. I had written a letter as far back as on 21st July, 1982 to the Finance Minister, Mr. Pranab Mukherjee to which I received a reply 2-1/2 months later that is, on 4th October, 1982, just yesterday. I am thankful to him for providing me certain copies of articles of Agreement which are there on the IMF record. For that I pay my compliments to him. But the reply was received 2-1/2 months later, that is, just yesterday.

In that letter he has mentioned to me that regarding latest amendments carried by the IMF in its Agreement in 1976, "You can please refer to the Library where a copy has been placed." So, I went to the Library today morning and I got a copy of those articles which have been completely overhauled and changed, of course, the number practically remaining the same. There are a lot of changes in that. So, I could get it just today morning. I could not get sufficient time. Even then, whatever very little preparations are to be done, I have done. The most important thing is this that I had raised a fundamental question in that. It is a 1945 Act which is being amended today. It was a war-time measure. It was colonial rule. It was enacted through an Ordinance in 1945 into an Act and not discussed in the Central Legislative Assembly then and, after 1945, it was never discussed in the House excepting in 1959 when the word "Ordinance" was replaced by the word "Act." That is all. After 1959, certain amendments have been carried out by the IMF in its regulations and agreements in 1969 and, much wider modifications were carried out in 1976 which have come into force and now, this particular amending Bill is trying to incorporate all those modifications and amendments in the present Bill. I raised the question that under this Section 4 which was a colonial Ordinance, a provision was made with regard to furnishing of information by the citizens of this country to the IMF as required by IMF. Now the question is, in 1945 the Constitution of India was not enforced. It came into force on 26th January, 1950. So, that provision could be there in 1945. The question is whether the Government of India has examined the implications of Chapter III of our Constitution with regard to Fundamental Rights, with regard to furnishing of information to the IMF as required under the Ordinance of 1945 and, to that particular basic question, my able friend and dear friend Mr. Pranab Mukherjee has replied to me on 30th September, 1982, in the following words, in the concluding paragraph of his letter:—

"You have also made certain observations regarding Article 292 of the

[Shri Satish Agarwal]

Constitution and the legal implications of Section 4 of the 1945 Act which makes a provision for furnishing certain information to the IMF as required by the IMF."

And then you say:

"I am having these aspects examined."; It is a very good thing that you are getting these provisions examined. Unless the examination is complete, unless the Government comes to a conclusion, may be within 10 days or a week, under section 4 which was a part of an Ordinance in 1945 which was a war-time measure, which was enacted by the Governor-General or Viceroy in Council here in India without any debate and without any discussion, whether that Section 4 of 1945 Act which was enacted through an Ordinance, prior to coming into force of the Constitution, whether it infringes and violates the Fundamental Rights guaranteed under our Constitution to our citizens because under Section 4 they are required to furnish certain information to the IMF as required by them. I am thankful to the Hon. Finance Minister that on this point, he has agreed to get the matter examined.

But my humble submission is that we would like to hear the Attorney-General on this point. We would like to have his opinion on this particular point.

This is a peculiar measure enacted in 1945, a war-time measure which was brought about during British colonial law, through an Ordinance, without a discussion, now made a permanent part of the statute in the Indian laws.

It is very essential before we proceed with the debate on this question because the amendments that are being incorporated in this amending Bill relate to the year 1976 modifications already carried out by IMF. The Finance Minister or the Government is not going to lose anything. It is not a revenue measure. I would have agreed to that had it been a revenue measure. I would have agreed to that had it been Customs, Excise, Income-tax, Validation etc.

But this particular measure when it has been brought after such long lapse of time, I think it is right to postpone in view of what I have mentioned.

MR. DEPUTY-SPEAKER: You can continue tomorrow. We are going to take up at 5 O'Clock the Calling Attention.

SHRI SUNIL MAITRA: In that case, you give him time tomorrow.

SHRI SATISH AGARWAL: I have already addressed a letter to the Hon. Finance Minister today and requested that the debate may be postponed as all these aspects are being examined.

MR. DEPUTY-SPEAKER: We are going to continue the discussion tomorrow also.

These points you can reply as mentioned while participating also.

SHRI K. P. UNNIKRISHNAN: Tomorrow we are all going to Meerut.

SHRI PRANAB MUKHERJEE: If he agrees, we can take it up on Monday.

SHRI K. P. UNNIKRISHNAN: Yes.

SHRI PRANAB MUKHERJEE: Sir, I beg to move:

"That the Bill further to amend the International Monetary Fund and Bank Act, 1945, be taken into consideration."

17.00 hrs.

MR. DEPUTY-SPEAKER: Now we take up the Call-Attention, Mr. Ravindra Varma.

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): Has the leave been granted?

SHRI SATISH AGARWAL (Jaipur): Not yet. No leave has been granted. Only the motion has been moved. It has not been put to vote at all. This will be pursued on Monday.

MR. DEPUTY-SPEAKER: Why are you so very technical, Mr. Agarwal?